

Amendment No. 1 to SB0601

Person, Curtis
Signature of Sponsor

AMEND Senate Bill No. 601*

House Bill No. 1454

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-204, is amended by
adding the following new subsection:

(g)

(1) No medical faculty member shall be held by reason of his or her supervision of or control over, his or her right to supervise or exercise control over, or his or her relationship with any intern, resident, or fellow in a training program of a medical school, owned or operated by the state of Tennessee, to be liable for any act or omission of any such intern, resident, or fellow in the course of such intern's, resident's, or fellow's training program under the legal doctrine of respondeat superior, implied or apparent agency, ostensible agency, or any other theory of vicarious liability.

(2) No teaching practice shall be held by reason of its relationship with any medical faculty member to be liable for any act or omission of any intern, resident, or fellow in a training program of a medical school owned or operated by the state of Tennessee in the course of such intern's, resident's, or fellow's training program under the legal doctrine of respondeat superior, implied or apparent agency, ostensible agency, or any other theory of vicarious liability.

(3) Nothing in this subsection is intended, nor shall it be construed, to absolve from or in any way limit the liability of any such medical faculty member for his or her own acts or omissions, nor to absolve from or in any way limit the liability of any such teaching practice

for the acts or omissions of its employees. This subsection affects only the vicarious liability of such faculty member or practice for the acts or omissions of interns, residents, and fellows.

(4) As used in this subsection:

(A) "Intern," "resident," or "fellow" means any person receiving instruction through and acting within the scope of a training program of a medical school owned or operated by the state of Tennessee and who, in such capacity, receives compensation payable by the state of Tennessee and is entitled to individual immunity as an employee of the state of Tennessee pursuant to § 9-8-307(h).

(B) "Medical faculty member" means any person having a current, valid letter of appointment to the faculty of a medical school owned or operated by the state of Tennessee, including but not limited to, any person licensed to practice medicine, osteopathy, or clinical psychology, whether volunteer or paid and whether full-time or part-time.

(C) "Teaching practice" means any professional group practice, sole proprietorship, partnership, corporation, limited liability company, or other public or private entity that employs a medical faculty member or through which a medical faculty member practices.

SECTION 2. Tennessee Code Annotated, Section 68-11-205, is amended by redesignating the language of subsection (c) as subsection "(d)", and by inserting the following new language, to be designated as subsection "(c)":

(c)

(1) No teaching institution shall be held by reason of its supervision of or control over, its right to supervise or exercise control

over, or its relationship with any intern, resident, or fellow in a training program of a medical school owned or operated by the state of Tennessee, to be liable for any act or omission of any such intern, resident, or fellow in the course of such intern's, resident's, or fellow's training program under the legal doctrine of respondeat superior, implied or apparent agency, ostensible agency, or any other theory of vicarious liability.

(2) Nothing in this subsection is intended, nor shall it be construed, to absolve from or in any way limit any cause of action that may lie against any such teaching institution arising out of any act or omission of such institution other than in connection with its control over or relationship with such intern, resident, or fellow.

SECTION 3. Tennessee Code Annotated, Section 68-11-205(d), is amended by inserting the following new subdivisions:

() "Intern," "resident," or "fellow" means any person receiving instruction through and acting within the scope of a training program of a medical school owned or operated by the state of Tennessee and who, in such capacity, receives compensation payable by the state of Tennessee and is entitled to individual immunity as an employee of the state of Tennessee pursuant to § 9-8-307(h).

() "Teaching institution" means an ambulatory surgical treatment center, hospital, mental health hospital, or rehabilitation facility, operating within the scope of an affiliation agreement with any medical school owned or operated by the state of Tennessee, and shall further include, but not be limited to, any sole proprietorship, partnership, corporation, limited liability company, or other public or private entity that owns, controls, or is affiliated with any such institution.

SECTION 4. This act shall take effect July 1, 2004, the public welfare requiring it.

